

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

**ERGON WEST VIRGINIA, INC.**

**PLAINTIFF**

**v.**

**CIVIL ACTION No. 3:15-cv-688-CWR-LRA**

**DAVID W. JOHNSON**

**DEFENDANT**

**AGREED ORDER OF DISMISSAL WITH PREJUDICE**

This cause came on for hearing on the motion of the parties for: (i) approval of their settlement, which includes a claim under the Fair Labor Standards Act (“FLSA”), 29 U.S.C. § 201, *et seq.*, and (ii) entry of an order of dismissal of this lawsuit with prejudice. The court, having considered the motion, finds that the parties have negotiated and reached a fair and reasonable compromise and settlement of this cause, which their legal counsel have approved, so that there remain no issues to be tried or determined by this court. The court being otherwise fully advised in the premises, is of the opinion, and so finds, that said motion is well taken and should be granted.

**IT IS, THEREFORE, ORDERED AND ADJUDGED** that the Complaint herein be, and the same is hereby, dismissed with prejudice, with each party to bear its own costs and attorneys' fees; provided, however, that the court retains jurisdiction to enforce the “Settlement Agreement and General Release.”

**SO ORDERED AND ADJUDGED**, this the \_\_\_\_\_ day of \_\_\_\_\_, 2016.

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UNITED STATES DISTRICT JUDGE

**APPROVED AS TO FORM AND CONTENT:**

s/Timothy M. Threadgill  
TIMOTHY M. THREADGILL  
MS Bar No. 8886  
*Attorney for Plaintiff Ergon West Virginia, Inc.*

s/Mike Farrell  
MIKE FARRELL  
MS Bar No. 5147  
*Attorney for Defendant David L. Johnson*

**Exhibit "B"**